



STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS
4600 Kietzke Lane, Suite C121, Reno, Nevada 89502
775-688-2555

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE ADOPTION OF

LCB File No. R025-14

Of

The Board of Examiners for Social Workers

The State of Nevada Board of Examiners for Social Workers will hold a Public Hearing on Friday, June 20, 2014, at 9:00 a.m., with videoconferencing between the following locations:

(Northern Nevada)

Mojave Adult, Child and Family Services
745 W. Moana Lane, Suite 100
Reno, Nevada 89509

AND

(Southern Nevada)

Mojave Adult, Child and Family Services
4000 E. Charleston Blvd., Suite B-230
Las Vegas, Nevada 89104

Some members of the Board may be attending the meeting and other persons may observe the meeting and provide testimony, through a simultaneous videoconference conducted between the two sites noted above.

The purpose of the hearing is to receive comments from all interested parties regarding the adoption of the regulations that pertain to R025-14, Chapter 641B of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

LCB File No. R017-14

1. Need and purpose of the proposed regulation or amendments

The need for the proposed regulations is to protect the public health, safety and welfare by ensuring that only qualified and competent social workers are licensed in the State. The rationale for each proposed regulation change is noted below:

NAC 641B.105 Examinations

During the May 25, 2012 Board meeting, the Board voted unanimously to impose a one-year time limit for applicants to successfully take and pass the licensing examination under an open application following examination approval by Board staff. This proposed revision is a housekeeping item which serves to inform applicants of an imposed time limit to take and pass the licensing examination.

NAC 641B.111 Restoration of Expired License

A licensee whose license has expired has up to three years to restore their expired license before being required to submit an application for a new license. If applying for a new license, the applicant would be required to submit to fingerprinting pursuant to NRS 641B.202. Since a lapse of professional licensure may have occurred for a variety of reasons, this additional requirement assists in ruling out whether the lapse may have been due to any form of malfeasants not disclosed by the restoring licensee.

If the State Controller notifies the Board, pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency which has been assigned to the State Controller for collection pursuant to NRS 353C.195, the Board will not restore the applicant's expired license unless the Board receives notification from the State Controller that applicant's debt has either been satisfied, entered into a payment agreement pursuant to NRS 353C.130 or deemed invalid. The proposed regulations reflect this.

The additional proposed regulation pertaining to possible refusal to restore a license or consider possible disciplinary action to an individual who has been the subject of a disciplinary action by a state licensing board, including this Board, is viewed as a public protection measure.

NAC 641B.115 Fees

The proposed increase in fees are increases presently allowable under NRS 641B.300. The cost of conducting daily operational business continues to increase steadily. The previous two legislative sessions have required State agencies, including the Board, to update their technology in order to remain current and to provide better delivery of services to its constituents and the public at large. The proposed fee increase would be applied towards upgrades in computers, telephones and copier, modest increase in office space and recruitment of contracted investigators. This proposed increase is further addressed in the Small Business Impact Statement which is attached to this Notice.

NAC 641B.126 Licensure by Endorsement

During the 77th/2013 Legislative session, State occupational boards and commissions were encouraged to review their present NRS and NAC in order to determine if reasonable modifications might occur which would reasonably address substantial equivalency standards for out-of-state applicants while preserving public protection. The proposed language affords applicants applying for advanced licensure (i.e. out-of-state licenses requiring postgraduate supervision as a part of licensure) a broader definition of what may be considered as substantially equivalent postgraduate supervision and experience. The proposed language further affords the Board to consider postgraduate supervised work in another state towards eventual licensure in this State, contingent upon meeting certain stipulations.

NAC 641B.140 Licensed Independent Social Worker: Internship Required for Licensure

The proposed regulations specifies the period of time, following the termination of an internship not leading to licensure as an independent social worker; when the accrued internship shall be considered forfeited; conditions under which the Board may require additional programs to supplement an existing internship program; conditions under which the Board may accept postgraduate supervised hours from another state to be considered for towards postgraduate supervised hours by the Board; and good cause circumstances and conditions under which the Board may consider withdrawing its approval of an internship program.

NAC 641B.150 Licensed Clinical Social Worker: Internship Required for Licensure

The proposed regulations specifies the period of time, following the termination of an internship not leading to licensure as a clinical social worker; when the accrued internship shall be considered forfeited; conditions under which the Board may require additional programs to supplement an existing internship program; conditions under which the Board may accept postgraduate supervised hours from another state to be considered for towards postgraduate supervised hours by the Board; and good cause circumstances and conditions under which the Board may consider withdrawing its approval of an internship program.

NAC 641B.160 Supervisors of interns: Duties; Additional Internship Hours if Required; Withdrawal of Approval to Supervise; Reapplication of Approval

The proposed regulation provides clarification pertaining to the Board's refusal to accept reports submitted by supervisors who fail to satisfy specific requirements pertaining to report content and reports not submitted timely. If a report is refused by the Board, accrued hours during the reporting period may also be forfeited.

NAC 641B.200 Professional responsibility

The proposed regulation clarifies when a licensee is required to notify the Board pertaining to traffic impairments related to the operation of a vehicle while under the influence of intoxication liquor or a controlled substance.

NAC 641B.220 Unprofessional conduct

The proposed regulation expands unprofessional conduct to include the period of retroactive licensure following license restoration.

2. How to obtain the approved or revised text of regulation prepared by LCB

Interested individuals may obtain a copy of the proposed regulations by writing to: State of Nevada Board of Examiners for Social Workers, 4600 Kietzke Lane, Suite C-121, Reno, Nevada 89502. A reasonable fee to copy the proposed regulations may be charged. The proposed regulations are also available for review and download on the Board's website, www.socwork.nv.gov.

3. Methods used in determining the impact on a small business

Small businesses fitting the definition of NRS 233B.0382 known by the Board to hire social workers received a solicitation of input pertaining to possible economic impact pertaining to the proposed fee increases and whether this proposal presented a “direct and significant economic burden” to them. A copy of the current and proposed fee increase was included along with a five (5) question survey pertaining to how the proposed regulation may create an economic burden to the small business owner. The survey was mailed on April 14, 2014 with responses requested by April 28, 2014. By April 30, 2014, the Board did not receive any responses either by mail or vial email. This leads the Board to assume that the increase in fees, as proposed, does not appear to provide an impact upon small businesses in this State. Accordingly, the Board further believes that it used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the nature of the regulation changes. A copy of the Board’s *Small Business Impact Statement* is attached to this Notification and may also be found on the Board’s website, www.socwork.nv.gov.

4. Estimated economic effect of regulations on business and the public

a. Adverse and beneficial effects

The adoption of these regulations should have not adverse economic effect on business, the public or practitioners of social work. The small business impact statement supports the proposed regulations as not having an adverse impact on small businesses. The proposed fee increases for licensed associate social workers and licensed social workers is a modest increase which is comparable to, if not lower than fees charged by behavioral health licensing boards for similar levels of education in this State as well as neighboring states, where applicable. The additional proposed fee increases are related to delinquent or expired licenses. These fees may be avoided if licensees renew their licenses timely. The benefits of these regulations are the increase in public safety and more clarity in NAC 641B.

b. Immediate and long-term effects

The immediate and long-term effects of the regulations proposed in R025-14 will be an increase in public safety, clarity and consistency in regulation and licensing of social workers.

5. Cost for enforcement of the regulations

There are no additional costs involved in enforcing the proposed regulations.

6. Overlap or duplication of other state or local government agencies

The proposed regulations do not overlap or duplicate any regulation of other state or local governmental entities.

7. Regulation required by federal law

Not applicable.

8. More stringent than federal regulations

The Board is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

9. New or increases in existing fees

The proposed increase in fees presently allowable under NRS 641B.300 are noted below:

An applicant must pay the following fees for licensure:

1. **Licensed associate in social work:**

(a) Annual renewal of license.....	[\$75] \$100
(b) Restoration of revoked license.....	150
(c) Restoration of expired license.....	[150] 200
(d) Renewal of delinquent license.....	[40] 100

2. **Licensed social worker:**

(a) Initial application.....	\$40
(b) Initial issuance of license.....	[75] 100
(c) Annual renewal of license.....	[75] 100
(d) Restoration of revoked license.....	150
(e) Restoration of expired license.....	[150] 200
(f) Renewal of delinquent license.....	[40] 100
(g) Endorsement license without examination.....	100
(h) Initial issuance of provisional license.....	75
(i) Annual renewal of provisional license.....	75

3. **Licensed independent social worker and licensed clinical social worker:**

(a) Initial application.....	\$40
(b) Initial issuance of license.....	100
(c) Annual renewal of license.....	150
(d) Restoration of revoked license.....	150
(e) Restoration of expired license.....	[150] 200
(f) Renewal of delinquent license.....	[75] 100
(g) Endorsement license without examination.....	100
(h) Initial issuance of provisional license.....	75

☐ If an applicant applies for more than one type of license at one time, he or she will be required to pay only one application fee.

(Please see the Small Business Impact Statement pertaining these proposed fee increases on the following page).

SMALL BUSINESS IMPACT STATEMENT

Notifications to all small business within the State of Nevada known by the Board of Examiners for Social Workers (Board) to employ social workers, who may be impacted by the proposed increase in licensing fees, were mailed on April 14, 2014. These small businesses were encouraged to complete a survey pertaining to: the number of individuals employed at the agency, the number of social workers employed at the agency, including the various levels of social work licensure, and an explanation of how the increase in fees proposed in LCB File No. R025-14, would pose a direct and significant economic burden upon the business. The Notification and corresponding survey was also posted on the Board's website, www.socwork.nv.gov. As of April 30, 2014, the Board has not received any responses either via mail or by email pertaining to the increase in fees proposed in the Revised Proposed Regulation of the Board of Examiners for Social Workers, LCB File No. R025-14. Accordingly, this leads the Board to assume that the increase in fees, as proposed in the Revised Proposed Regulation of the Board of Examiners for Social Workers, LCB File No. R025-14, does not appear to provide an impact upon small businesses in Nevada. The anticipated revenue received by the proposed increase in fees is approximately \$39,500.00. The fees would be applied towards computers and technological support, telephone and copier upgrades and office space expansion. There does not appear to be an additional cost to the Board to enforce this increase in fees. This Small Business Impact Statement may be located on our website, www.socwork.nv.gov. Interested individuals may also request a copy of this statement by submitting a written request to our office: State of Nevada Board of Examiners for Social Workers, 4600 Kietzke Lane, Suite C-121, Reno, Nevada 89502.

Kim Frakes
Executive Director
Board of Examiners for Social Workers

Persons wishing to comment on the proposed action of the State of Nevada Board of Examiners for Social Workers (Board) may appear at the scheduled public hearing or address their comments, data, views or arguments in written form to: State of Nevada Board of Examiners for Social Workers, 4600 Kietzke Lane, Suite C-121, Reno, Nevada, 89502. The Board must receive all written submissions on or before the Public Hearing scheduled June 20, 2014. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to action upon any written submissions. Pursuant to NRS 233B.064, *"Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption."*

A copy of this notice and the regulations to be adopted, R025-14, will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, R025-14, will be available at the office of the State of Nevada Board of Examiners for Social Workers, 4600 Kietzke Lane, Suite C-121, Reno, Nevada, 89502, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at: <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request.

Lander County Library
625 S. Broad ST
Battle Mountain, NV 89820

Douglas County Library
PO Box 337
1625 Library Lane
Minden, NV 89423

Esmeralda County Library
P.O. Box 430
Goldfield, NV 89013

Lyon County Library
20 Nevin Way
Yerington, NV 89447

Pershing County Library
1125 Central Avenue
PO Box 781
Lovelock, NV 89419

Washoe County Library
301 S. Center Street
P.O. Box 2151
Reno, NV 89501

Henderson Public Library
280 S. Water Street
Henderson, NV 89105

Churchill County Library
553 South Main Street
Fallon, NV 89406

Mineral County Library
110 1st Street
P.O. Box 1390
Hawthorne, NV 89415

White Pine County Library
Courthouse Plaza
950 Campton Street
Ely, NV 89301

Pahrump Library District
701 East Street
Pahrump, NV 89041

Clark Co. District Library
833 Las Vegas Blvd., North
Las Vegas, NV 89101

Eureka County Library
P.O. Box 293
10190 Monroe Street
Eureka, NV 89316

Lincoln County Library
63 Main Street
P.O. Box 330
Pioche, NV 89043

Carson City Library
900 N. Roop Street
Carson City, NV 89701

Tonopah Public Library
167 S. Central Street

Elko-Lander Counties Library
720 Court Street
Elko, NV 89801

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

P.O. Box 449
Tonopah, NV 89049

Nevada State Library
100 Stewart Street
Carson City, NV 89701

**REVISED PROPOSED REGULATION OF
THE BOARD OF EXAMINERS FOR SOCIAL WORKERS**

LCB File No. R025-14

April 21, 2014

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 4-10, NRS 641B.160; §2, NRS 641B.160, 641B.280 and 641B.290; §3, NRS 641B.160 and 641B.300.

A REGULATION relating to social workers; revising provisions relating to examinations which must be passed by applicants for licenses to engage in the practice of certain social work; revising the requirements for the restoration of an expired license to engage in the practice of social work; revising fees for the issuance, renewal and restoration of certain licenses to engage in the practice of social work; revising the requirements for licensure by endorsement; revising the requirements for licensure as an independent social worker; revising the requirements for licensure as a clinical social worker; revising provisions governing the supervision of a social work intern; revising provisions relating to professional responsibility; revising provisions relating to unprofessional conduct; and providing other matters properly relating thereto.

Section 1. NAC 641B.105 is hereby amended to read as follows:

641B.105 1. An applicant for licensure as a licensed social worker, licensed independent social worker or licensed clinical social worker must pass a two-part examination consisting of:

- (a) The appropriate examination, as described in subsection 2, given by the Association of Social Work Boards or another testing administrator that has been approved by the Board; and
- (b) An examination given by the Board which tests the knowledge of the applicant of the provisions of this chapter and chapter 641B of NRS and any other provisions of NAC or NRS relevant to the practice of social work.

2. An applicant for licensure as:

- (a) A licensed social worker must pass the Bachelors or Basic Examination of the Association of Social Work Boards if the applicant holds a baccalaureate degree in social work as described in NRS 641B.220. If the applicant holds a master's degree in social work as described in NRS 641B.220, the applicant must pass the Bachelors or Basic Examination or Masters or Intermediate Examination of the Association of Social Work Boards.
- (b) A licensed independent social worker must pass the Advanced Generalist or Advanced Examination of the Association of Social Work Boards.
- (c) A licensed clinical social worker must pass the Clinical Examination of the Association of Social Work Boards.

3. Except as otherwise provided in this section, an applicant who is required to pass an examination pursuant to this section must satisfy the Board that he or she possesses the necessary requirements regarding age, citizenship, character, education and, if applicable for the relevant license, supervisory experience before taking the examination. A student of social work currently enrolled in his or her last semester may take the examination before the award of his or her degree. For the purposes of

this subsection, “student of social work” means a person enrolled in an undergraduate or graduate program of study leading to a degree in social work from a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation.

4. An applicant who is required to pass an examination pursuant to this section must do so within 1 year after satisfying the requirements set forth in subsection 3.

5. In addition to the requirements for offering examinations set forth in NRS 641B.250, examinations will be offered as deemed appropriate by the Board and as scheduled by the Association of Social Work Boards or another testing administrator that has been approved by the Board.

~~[5.]~~ *6. A failed examination may be retaken 90 days after the failed examination. Thereafter, only one examination may be taken every 6 months.*

Sec. 2. NAC 641B.111 is hereby amended to read as follows:

641B.111 1. An application for restoration of an expired license must be completed on a form supplied by the Board and submitted to the Board within 3 years after the date on which the license expired.

2. In addition to the requirements set forth in NRS 641B.290 and except as otherwise provided in subsection ~~[3.]~~ *4*, an application for restoration of an expired license must be accompanied by:

(a) *Two sets of completed fingerprint cards;*

(b) *Written authorization for the Board to forward those cards to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*

(c) *The amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories;*

(d) Evidence of the completion of all past continuing education hours; and

~~[(b)]~~ (e) Evidence that:

(1) The appropriate examination for licensure was passed by the applicant within the immediately preceding 15 years; or

(2) The licensee has maintained an equivalent license from another state in good standing.

3. If the State Controller has notified the Board pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency which has been assigned to the State

Controller for collection pursuant to NRS 353C.195, the Board will not restore the applicant's expired license unless the Board receives notification from the State Controller that the applicant has:

(a) *Satisfied the debt;*

(b) *Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or*

(c) *Demonstrated that the debt is not valid.*

4. After receiving an application for restoration of an expired license, the Board may:

(a) Grant an extension of not more than 6 months for the completion of past continuing education hours; and

(b) For good cause, waive the requirements of subsection 2 regarding the examination and continuing education hours.

5. If the applicant has been the subject of a disciplinary action by the Board or any other licensing agency in this State or any other jurisdiction, the Board may hold a

hearing on an application for the restoration of an expired license to consider, without limitation:

(a) The possible refusal to restore the expired license; and

(b) The restoration of the expired license and the imposition of disciplinary action.

Sec. 3. NAC 641B.115 is hereby amended to read as follows:

641B.115 An applicant must pay the following fees for licensure:

1. Licensed associate in social work:

- (a) Annual renewal of license..... ~~[\$75]~~ **\$100**
- (b) Restoration of revoked license150
- (c) Restoration of expired license ~~[\$50]~~ **200**
- (d) Renewal of delinquent license ~~[\$40]~~ **100**

2. Licensed social worker:

- (a) Initial application \$40
- (b) Initial issuance of license ~~[\$75]~~ **100**
- (c) Annual renewal of license ~~[\$75]~~ **100**
- (d) Restoration of revoked license 150
- (e) Restoration of expired license ~~[\$50]~~ **200**
- (f) Renewal of delinquent license ~~[\$40]~~ **100**
- (g) Endorsement license without examination100
- (h) Initial issuance of provisional license 75
- (i) Annual renewal of provisional license75

3. Licensed independent social worker and licensed clinical social worker:

- (a) Initial application \$40
- (b) Initial issuance of license 100
- (c) Annual renewal of license150
- (d) Restoration of revoked license 150
- (e) Restoration of expired license ~~[\$50]~~ **200**
- (f) Renewal of delinquent license ~~[\$75]~~ **100**
- (g) Endorsement license without examination 100
- (h) Initial issuance of provisional license 75

• If an applicant applies for more than one type of license at one time, he or she will be required to pay only one application fee.

Sec. 4. NAC 641B.126 is hereby amended to read as follows:

641B.126 1. An applicant for licensure as a social worker who holds, in another state, at least an equivalent license that is in good standing to engage in the practice of social work as described in this chapter and chapter 641B of NRS *and who satisfies the requirements of NRS 641B.200 and NRS 641B.220, 641B.230 or 641B.240* may be licensed by endorsement by the Board to engage in the practice of social work in this State by the Board without taking the examination prescribed by the Board if:

(a) The applicant provides evidence satisfactory to the Board that the applicant has successfully passed the appropriate licensing examination described in subsection 2 of NAC 641B.105 within the immediately preceding 15 years; or

(b) The applicant:

(1) Has successfully passed the appropriate licensing examination described in subsection 2 of NAC 641B.105 or a substantially equivalent examination in the state in which the applicant holds a license; and

(2) Provides evidence satisfactory to the Board that the applicant has held the license for at least 20 years and that at least 50 percent of the practice of the applicant for the immediately preceding 10 years has been in the practice of social work.

2. An applicant for licensure as a clinical social worker or an independent social worker who holds, in another state, at least an equivalent license that is in good standing to engage in the practice of social work as described in this chapter and chapter 641B of NRS *and who satisfies the requirements of NRS 641B.200 and NRS 641B.230 or 641B.240, as applicable*, may be licensed by endorsement by the Board if the *applicant provides evidence satisfactory to the Board that the applicant has successfully passed the appropriate licensing examination described in subsection 2 of NAC 641B.105 within the immediately preceding 15 years or a substantially equivalent examination in the state in which the applicant holds the license and:*

(a) If the applicant is applying for licensure by endorsement to engage in social work as a clinical social worker, provides evidence satisfactory to the Board that the applicant has held a license to engage in social work as a clinical social worker for at least 10 years and that at least 50 percent of the practice of the applicant for the immediately preceding 7 years has been in the practice of clinical social work or the supervision of clinical social work; or

(b) If the applicant is applying for licensure by endorsement to engage in social work as an independent social worker, provides evidence satisfactory to the Board that the applicant has held a license to engage in social work as an independent social worker for at least 10 years and that at least 50 percent of the practice of the applicant has been in the independent practice of social work or the supervision of the independent practice of social work.

3. If an applicant for licensure by endorsement as a clinical social worker or an independent social worker does not satisfy the requirements of subsection 1 or 2, the Board will approve the applicant's supervised, postgraduate social work and accept it towards the hours of supervision that are required for licensure if:

(a) The applicant provides evidence satisfactory to the Board that the applicant completed ~~[before July 1, 1990,]~~ at least 3,000 hours of supervised, postgraduate social work ~~[supervised by a licensed mental health practitioner.3.]~~ that has been accepted by the state which licensed the applicant as a clinical social worker or independent social worker;

(b) Except as otherwise provided in subsection 6 of NAC 641B.150, a licensing board that accepted the supervised, postgraduate social work submits verification of the hours of work directly to the Board in a manner that is approved by the Board; and

(c) The Board determines that the experience of the applicant is substantially equivalent to or exceeds the current standards established by the Board for those applicants who complete their supervised, postgraduate social work in this State.

4. An applicant for licensure by endorsement pursuant to this section must submit to the Board:

(a) A written application on a form prescribed by the Board;

(b) The applicable fee;

(c) Except as otherwise provided in subsection ~~[4.]~~ 5, proof that the license issued by the other state or any other license or credential issued to the applicant by another state:

(1) Is currently valid and in good standing; and

(2) Has never been suspended, revoked or otherwise restricted for any reason; and

(d) Proof that the applicant is of good moral character as it relates to the practice of social work.

~~[4.]~~ 5. If an applicant has had a license or credential that was issued by another state suspended, revoked or otherwise restricted for any reason, the Board will review and consider the specific facts and circumstances surrounding the suspension, revocation

or restriction and may issue or decline to issue a license to an applicant based upon its review.

Sec. 5. NAC 641B.140 is hereby amended to read as follows:

641B.140 1. Except as otherwise provided in subsection 2 of NAC 641B.126, an applicant for licensure as a licensed independent social worker must complete an internship consisting of not less than 3,000 hours of supervised, postgraduate social work. Except as otherwise provided in subsections ~~[2 and 3.]~~ **3 and 4**, the required work must be:

(a) Undertaken in a program that is approved by the Board before the applicant begins the program. The program must include, without limitation:

- (1) An examination, if deemed necessary by the Board;
 - (2) An appropriate setting, as determined by the Board;
 - (3) Supervision of the applicant by a supervisor who has been approved by the Board;
- and
- (4) A plan of supervision that has been approved by the Board.

(b) Completed not earlier than 2 years or later than 3 years after the Board approves the program. For good cause, the Board will grant a specific extension of this period.

The Board will disallow credit for all hours of internship accrued under the program if the required work does not result in the issuance of a license to engage in social work as an independent social worker within 3 years after the end of the program.

(c) Conducted pursuant to the requirements and standards set forth by the Board. For good cause, the Board will withdraw its approval of a particular program. *Good cause for withdrawal of approval of a program includes, but is not limited to:*

- (1) Except as otherwise provided in subsection 2, the inability of a program to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b);*
- (2) An investigation or finding by a local, state or federal authority pertaining to alleged practices conducted at the setting of the program which may be deemed unethical or unsafe under this chapter or chapter 641B of NRS; or*
- (3) An investigation by the Board of a licensee who engages in practices which may be deemed unethical or unsafe under this chapter or chapter 641B of NRS while supervising an intern as an owner, operator, employee or contractor of an agency that is part of a program of internship.*

2. The Board may require a program to include additional settings pursuant to subparagraph (2) of paragraph (a) of subsection 1 if the program is unable to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b) of subsection 1. The Board will authorize a program to be conducted at not more than three agencies simultaneously.

3. Upon application to the Board by an applicant who is currently a licensed social worker or a licensed associate in social work, the Board ~~[will]~~ **may** approve and accept for licensure supervised, postgraduate hours completed in an agency that provides social work services if the applicant:

- (a) Has been continually licensed as a social worker for the immediately preceding 10 years; and
- (b) Provides evidence satisfactory to the Board of continuous supervision by a licensed social worker for at least 5 of the immediately preceding 10 years.

~~[3.]~~ **4.** An applicant who *is not licensed as an independent social worker in another state but* has completed 3,000 hours of supervised, postgraduate social work in another state *within the immediately preceding 10 years* may submit ~~[evidence of the~~

~~satisfactory completion of that work~~ to the Board for its consideration ~~[.The]~~ *as part of a program approved by the Board evidence of the satisfactory completion of that work and documentation that his or her supervisor was either a clinical social worker or a master's level social worker and was also qualified to supervise in that state. After 2 full, consecutive calendar quarters of a program, the* Board will approve that work and accept it *towards the hours of supervision that are required* for licensure *pursuant to subsection 1* if ~~[the]~~ :

(a) A licensing board that accepted the supervised, postgraduate social work submits verification of the hours of work directly to the Board in a manner that is approved by the Board; and

(b) The Board determines that the experience of the applicant is substantially equivalent to *or exceeds* the current standards established by the Board for those applicants who complete their *supervised, postgraduate social* work in this State.

~~[4.]~~ 5. The following activities do not qualify as supervised, postgraduate social work:

- (a) Instruction in techniques or procedures through classes, workshops or seminars.
- (b) Orientational programs.
- (c) Practice which is not under the supervision of an agency. The Board will consider a person to be under the supervision of an agency if:
 - (1) Each client who is served by the intern is a client of the agency and that fact is clearly set forth on each contract, release, agreement for financial reimbursement and billing statement which relates to that client;
 - (2) All records regarding clients belong to the agency and the agency has provided for their confidentiality and safekeeping;
 - (3) The agency appoints a specific employee of the agency to act as the board-approved supervisor of the intern, if such an employee is available, or otherwise approves a nonemployee to do so;
 - (4) The appointed supervisor reviews the work of the intern in the manner required for supervisors of interns;
 - (5) The appointed supervisor is granted complete access to all records of the agency related to the practice of the intern; and
 - (6) Any compensation for the services of the intern is provided directly by the agency.
- (d) Any other activity that the Board determines is not within the scope of the practice of social work.

Sec. 6. NAC 641B.150 is hereby amended to read as follows:

641B.150 1. ~~[An]~~ *Except as otherwise provided in subsection 2 of NAC 641B.126, an* applicant for licensure as a licensed clinical social worker must complete an internship consisting of not less than 3,000 hours of supervised, postgraduate clinical social work. Except as otherwise provided in subsection ~~[3.]~~ 4, the required work must be:

- (a) Undertaken in a program that is approved by the Board before the applicant begins the program. The program must include, without limitation:
 - (1) An examination, if deemed necessary by the Board;
 - (2) An appropriate setting, as determined by the Board;
 - (3) Supervision of the applicant by a supervisor who has been approved by the Board;

and

- (4) A plan of supervision that has been approved by the Board.

(b) Completed not earlier than 2 years or later than 3 years after the Board approves the program. For good cause, the Board will grant a specific extension of this period.

The Board will disallow credit for all hours of internship accrued under the program if the required work does not result in the issuance of a license to engage

in social work as a clinical social worker within 3 years after the end of the program.

(c) Conducted pursuant to the requirements and standards set forth by the Board. For good cause, the Board will withdraw its approval of a particular program. *Good cause for withdrawal of approval of a program includes, but is not limited to:*

- (1) Except as otherwise provided in subsection 2, the inability of a program to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b);*
- (2) An investigation or finding by a local, state or federal authority pertaining to alleged practices conducted at the setting of the program which may be deemed unethical or unsafe under this chapter or chapter 641B of NRS; or*
- (3) An investigation by the Board of a licensee who engages in practices which may be deemed unethical or unsafe under this chapter or chapter 641B of NRS while supervising an intern as an owner, operator, employee or contractor of an agency that is part of a program of internship.*

2. The Board may require a program to include additional settings pursuant to subparagraph (2) of paragraph (a) of subsection 1 if the program is unable to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b) of subsection 1. The Board will authorize a program to be conducted at not more than three agencies simultaneously.

3. At least 2,000 hours of the supervised, postgraduate clinical social work required by subsection 1 must be in the area of psychotherapeutic methods and techniques to persons, families and groups to help in the diagnosis and treatment of mental and emotional conditions. Unless otherwise approved by the Board, an average of 25 hours per week, not to exceed 325 hours in each quarter, of postgraduate hours in the use of psychotherapeutic methods and techniques will be accepted toward satisfying this requirement. The remaining hours required by subsection 1 may be completed in other areas of clinical social work.

~~[3-]~~ *4. An applicant who is not licensed as a clinical social worker but has completed 3,000 hours of performed supervised, postgraduate clinical social work in another state within the immediately preceding 10 3 years may submit to the Board for its consideration as part of a program approved by the Board evidence of the satisfactory completion of that work and documentation that his or her supervisor was a clinical social worker and was qualified to supervise in that state. The After the applicant has completed not less than 1,000 hours of supervised, postgraduate clinical social work and has passed an examination required, if applicable, pursuant to subparagraph (1) of paragraph (a) of subsection 1 pursuant to a program approved by the Board, the Board will approve that work and accept it towards the hours of supervision that are required for licensure pursuant to subsection 1 if the :*

(a) A licensing board that accepted the supervised, postgraduate clinical social work submits verification of the hours of work directly to the Board in a manner that is approved by the Board; and

(b) The Board determines that the experience of the applicant is substantially equivalent to or exceeds the current standards established by the Board for those applicants who complete their supervised, postgraduate clinical social work in this State.

~~[4-]~~ *5. The following activities do not qualify as supervised, postgraduate clinical social work:*

- (a) Instruction in techniques or procedures through classes, workshops or seminars.*
- (b) Orientational programs.*

- (c) Role-playing as a substitute for actual social work.
- (d) Psychotherapy of the intern himself or herself.
- (e) Except as otherwise provided in subsection ~~5.1~~ 6, practice which is not under the supervision of an agency. The Board will consider a person to be under the supervision of an agency if:
 - (1) Each client who is served by the intern is a client of the agency and that fact is clearly set forth on each contract, release, agreement for financial reimbursement and billing statement which relates to that client;
 - (2) All records regarding clients belong to the agency and the agency has provided for their confidentiality and safekeeping;
 - (3) The agency appoints a specific employee of the agency to act as the board-approved supervisor of the intern, if such an employee is available, or otherwise approves a nonemployee to do so;
 - (4) The appointed supervisor reviews the work of the intern in the manner required for supervisors of interns;
 - (5) The appointed supervisor is granted complete access to all records of the agency related to the practice of the applicant; and
 - (6) Any compensation for the services of the intern is provided directly by the agency.
- (f) Any other activity that the Board determines is not within the scope of the practice of clinical social work.

~~5.1~~ 6. Any supervised, postgraduate clinical social work completed before January 1, 1990, by an applicant who holds an equivalent license from another state that is in good standing to engage in the practice of clinical social work as described in this chapter and chapter 641B of NRS is not required to be completed under the supervision of an agency if the Board determines that:

- (a) There is good cause for waiving the requirement that the practice be under the supervision of an agency; and
- (b) The experience of the applicant is substantially equivalent to or exceeds the current standards established by the Board.

Sec. 7. NAC 641B.160 is hereby amended to read as follows:

641B.160 1. A supervisor of an intern is responsible for the practice of social work by the intern.

2. A supervisor of an intern shall ensure that:

- (a) The work of the intern is conducted in an appropriate professional setting;
- (b) The work of the intern is consistent with the standards of the profession;
- (c) The intern is assisted with the development of his or her professional identity;
- (d) The intern has gained the skills required to manage his or her practice;
- (e) The intern has gained the skills required for continuing competency;
- (f) The intern has gained knowledge of the laws and regulations applicable to the practice of social work;
- (g) The intern is familiar with the current literature concerning those areas of social work relevant to his or her area of practice; and
- (h) The intern provides services that are culturally and linguistically appropriate.

3. A supervisor of an intern shall:

- (a) Meet in person with the intern on an individual basis for at least 1 hour every week, unless the Board specifically directs a different schedule or frequency for the meetings, to discuss and evaluate the performance of the intern in his or her practice;
- (b) Unless waived by the Board for good cause, if the intern practices social work at a site at which the supervisor does not practice social work, visit the site at least once

every month and as necessary consult with the on-site supervisor regarding the practice of social work by the intern;

(c) Prepare and submit to the Board quarterly reports and a final report, unless the Board specifically directs a different schedule or frequency for the reports, on forms provided by the Board, concerning the progress of the intern in his or her practice; and
(d) Be available to consult with the Board concerning the record, competence in practice, emotional and mental stability or professional and ethical conduct of the intern.

4. Not more than 24 hours of the total supervision of the intern may be in the form of group supervision.

5. A supervisor of an intern shall analyze the performance of an intern through information obtained from:

- (a) Observation or participation in the practice of the intern;
- (b) The notes of the intern; and
- (c) Process recordings prepared by the intern.

6. *The Board may refuse to accept a quarterly or final report submitted by a supervisor of an intern as required pursuant to paragraph (c) of subsection 3 if the report:*

- (a) Does not satisfy the reporting requirements for the forms provided by the Board;*
- (b) Does not include such additional information concerning the internship as requested by the Board; or*
- (c) Is received by the Board after the date on which the report is due.*

7. *If the Board refuses to accept a quarterly or final report pursuant to subsection 6, the Board will disallow credit for all hours of internship as reported on the report.*

8. The Board will, if it deems appropriate, require additional hours of internship and supervision for an intern who fails to demonstrate the degree of competency expected at the end of an internship.

~~[7-]~~ 9. The Board will, if it deems it appropriate, withdraw its approval of a person to supervise a particular intern or any intern if the supervisor:

- (a) Fails to supervise an intern adequately;
- (b) Fails to comply with each applicable provision of a statute or regulation;
- (c) Fails to submit acceptable reports as required in paragraph (c) of subsection 3 regarding the progress of each intern under his or her supervision;
- (d) Without good cause or approval by the Board, fails to submit two consecutive reports as required pursuant to paragraph (c) of subsection 3;
- (e) Fails to complete the training required by the Board pursuant to subsection 1 of NAC 641B.155; or
- (f) Becomes subject to an order issued by the Board for disciplinary action.

~~[8-]~~ 10. A person whose approval to supervise an intern has been withdrawn by the Board because he or she is subject to an order issued by the Board for disciplinary action may reapply for approval to supervise an intern after satisfactorily completing the requirements of the order.

~~[9-]~~ 11. If the Board withdraws its approval of the person supervising an intern ~~[, the]~~ :

(a) The Board may disallow credit for all hours of internship as reported on quarterly reports and final reports submitted by the supervisor pursuant to paragraph (c) of subsection 3; and

(b) The intern may apply to the Board for the:

~~[(a)]~~ (1) Assignment of another approved supervisor; and

~~[(b)]~~ (2) Approval of a new internship agreement and plan of supervision.

~~[10-]~~ 12. As used in this section, "process recording" means a written record of an interaction with a client.

Sec. 8. NAC 641B.200 is hereby amended to read as follows:

641B.200 1. The status of a licensee must not be used to support any claim, promise or guarantee of successful service, nor may the license be used to imply that the licensee has competence in another profession.

2. A licensee shall not misrepresent, directly or by implication, his or her own professional qualifications, competency, affiliations and licenses, or those of the institutions and organizations with which he or she is associated. A licensee shall provide accurate information concerning his or her credentials, education, training and experience upon request from a client or potential client.

3. If a licensee holds more than one occupational license, he or she shall disclose to his or her client orally and in writing the type of practice of social work in which the licensee is engaged and which of the licenses apply to the practice of social work the licensee is providing to that client. If a licensee is engaged in a practice that is not the practice of social work, the licensee shall disclose to the client orally and in writing the type of practice in which the licensee is engaged and that the practice is not within the scope of the practice of social work. If the licensee fails to disclose to the client that the practice in which the licensee is engaged is a practice other than the practice of social work, the Board, in evaluating whether the licensee is in compliance with the standards of professional responsibility, will presume that the practice in which the licensee was engaged was intended to be the practice of social work.

4. A licensee shall not engage in the practice of social work while:

- (a) The licensee is impaired by alcohol, drugs or any other chemical; or
- (b) The licensee is impaired by a mental or physical condition that prevents him or her from practicing safely.

5. A licensee shall not use his or her relationship with a:

- (a) Client;
 - (b) Person with significant personal ties to a client, whether or not related by blood; or
 - (c) Legal representative of the client,
- to further his or her own personal, religious, political or business interests.

6. A licensee is responsible for setting and maintaining professional boundaries with:

- (a) Each client;
- (b) Each person with significant personal ties to a client, whether or not related by blood;
- (c) The legal representative of the client;
- (d) Each intern; and
- (e) Persons who are supervised by the licensee.

7. Except as otherwise provided by law, a licensee shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that the licensee has not actually and personally rendered. If a licensee is supervising the work of an intern or employee, any billing or documentation of the work must clearly show that the licensee supervised the work and did not personally render services.

8. A licensee shall not knowingly offer service to a client who is receiving treatment from another licensee without prior consultation between the client and the other licensee.

9. Except as otherwise provided in subsection 13, a licensee shall not disparage the qualifications of any colleague.

10. A licensee shall not attempt to diagnose, prescribe for, treat or advise on any problem outside his or her field of competence. Except as otherwise provided in this subsection, a licensee shall not assume duties and responsibilities within the practice of social work if he or she cannot perform the services competently. A licensee may

assume duties and responsibilities within the practice of social work for which he or she cannot currently perform the services competently if he or she prepares a reasonable written plan demonstrating the manner in which he or she will acquire the competence necessary to perform the services competently. Such a plan must be completed under the supervision of or with the consultation of a professionally qualified person who can demonstrate competency in the area of study. A copy of a plan prepared pursuant to this subsection must be provided to the Board upon request by the Board.

11. A licensee shall base his or her practice upon recognized knowledge relevant to social work.

12. A licensee shall critically examine and keep current with emerging knowledge relevant to social work.

13. A licensee shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of social work.

14. Based upon recognized knowledge and standards of practice for social work, a licensee shall prepare and maintain in a timely manner a record regarding each of his or her clients which:

(a) Sets forth his or her assessment of the problems, issues or concerns of the client, the course of treatment or plan of care for the client and the scope of the licensee's services to that client, including, without limitation, any interventions, consultations or mandated reporting; and

(b) Includes, without limitation, copies of:

(1) All documents relating to the informed consent of the client;

(2) All documents relating to the release of information regarding the client;

(3) A record of each contact with the client which includes the date and time of the contact; and

(4) All other documents required by law or legal documents regarding the client.

15. A licensee shall not:

(a) Inaccurately record, falsify or otherwise alter or destroy any client's records unless specifically authorized by law.

(b) Falsify billing records.

(c) Bill for services not rendered or supported by documentation.

(d) Refuse to release a client's records upon request by the client unless otherwise specifically authorized by law.

16. A licensee shall maintain each client's records for at least 10 years unless otherwise specifically authorized by law.

17. A licensee shall adequately complete and submit to the Board any reports required pursuant to chapter 641B of NRS, any regulations adopted pursuant to that chapter and any order, rule or instruction of a court of competent jurisdiction in a timely manner.

18. A licensee shall comply with all the provisions of the statutes and regulations governing the practice of social work that are set forth in this chapter and chapter 641B of NRS. A licensee shall comply with any state or federal law or regulation that is relevant to the practice of social work.

19. A licensee shall not authorize a person under the supervision of the licensee to perform services outside of the level of licensure, training or experience of the person who is supervised or allow that person to hold himself or herself out as having expertise in a field in which he or she is not qualified.

20. A licensee shall not order or knowingly allow a person under the supervision of the licensee to engage in any illegal or unethical act related to social work.

21. A licensee shall notify the Board in writing within 21 days after:

(a) An action is taken against a license, certification, registration or credential of the licensee issued by any state or territory of the United States;

- (b) A criminal charge is filed against the licensee;
- (c) The licensee is charged with or convicted of a criminal offense ~~[;]~~ other than a misdemeanor traffic offense ~~[;]~~, *including, without limitation, driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance;*
- (d) A civil action, including, without limitation, an action for malpractice, is filed against the licensee for any act relating to the practice of social work;
- (e) A settlement or judgment in a civil action, including, without limitation, an action for malpractice, is filed against the licensee for any act relating to the practice of social work;
- (f) The licensee has been placed in a diversionary program; or
- (g) The licensee has entered into a program for the treatment of the abuse of a controlled substance or alcohol or a program for the treatment of any other impairment.

22. A licensee shall not supervise any person who engages in the practice of social work if that person has not satisfied the appropriate requirements for licensure pursuant to this chapter and chapter 641B of NRS.

23. A licensee shall not provide any services, including, without limitation, any diagnosis, therapeutic counseling, therapy or other clinical services, to an intern or other person over whom the licensee has administrative, educational or supervisory authority.

24. A licensee shall not knowingly obstruct an investigation conducted by the Board.

Sec. 9. NAC 641B.220 is hereby amended to read as follows:

641B.220 1. A licensee who violates any of the provisions of NAC 641B.200 to 641B.215, inclusive, or commits any act that constitutes a basis for refusal by the Board to issue a license pursuant to subsection 2 of NRS 641B.260 is guilty of unprofessional conduct.

2. If a violation or other unprofessional conduct occurs ~~[while]~~ :

(a) While a license of a licensee is in effect ~~[;]~~ ; *or*

(b) Between the time when a license of a licensee expires and the time when the license has been restored pursuant to NAC 641B.111,

- the Board will take disciplinary action, as appropriate, against the licensee even if the license thereafter has expired or been suspended.

3. The revocation, suspension or other disciplinary action taken by any state on a professional license or certificate or registration that was issued by that state is grounds for disciplinary action against the licensee by the Board for unprofessional conduct.

4. The failure of a licensee to comply with a stipulation, agreement, advisory opinion or order issued by the Board constitutes unprofessional conduct.

Sec. 10. 1. This section and sections 1, 2 and 9 of this regulation become effective upon filing with the Secretary of State.

2. Sections 3 to 8, inclusive, of this regulation become effective on January 1, 2015.